

SANFORD JAY ROSEN *
 MICHAEL W. BIEN
 ANDREA G. ASARO **
 ERNEST GALVAN

HOLLY BALDWIN
 GAY C. GRUNFELD
 JANE KAHN
 MEGHAN LANG
 ANNE MANIA
 THOMAS NOLAN
 LORI RIFKIN ***
 JANET TUNG
 AMY WHELAN
 MARAKA L. WILLITS
 SARAH OLSON ZIMMERMAN ****

ROSEN, BIEN & ASARO, LLP
 ATTORNEYS AT LAW
 EIGHTH FLOOR
 155 MONTGOMERY STREET
 SAN FRANCISCO, CALIFORNIA 94104

TELEPHONE
 (415) 433-6830
 FAX
 (415) 433-7104
 EMAIL
 rba@rbalaw.com

RECEIVED

May 12, 2006

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VIA FACSIMILE AND U.S. MAIL

The Honorable Magistrate Judge James Larson
 United States District Court
 Northern District of California
 450 Golden Gate Avenue
 San Francisco, CA 94102

Re: *Roger-Vasselin, et al. v. Marriott et al.*
 U.S.D.C. No. 04-04027 (TEH)
Our File No. 1010-1

RICHARD W. WIEKING
 CLERK, U.S. DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

FILED

MAY 17 2006
 RICHARD W. WIEKING
 CLERK, U.S. DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

Dear Chief Magistrate Larson:

This is in response to the Court's Notice of Settlement Conference and Settlement Conference Order dated May 8, 2006. Plaintiffs and defendants, by and through their undersigned counsel, jointly and respectfully request that the Court vacate the Order.

The reason is that the parties will engage in private mediation with Mark Rudy on May 25th. We are in the process of preparing mediation briefs and have obtained airline tickets to travel to San Francisco. We believe this private mediation will be our best shot at resolving this complex case prior to trial.

This is especially true because of the timing. May 25 is a little over ten days from now. By June 6th, the date of this Court's settlement conference, significant expert discovery will have occurred. June 6th is also the date all motions in limine are due. June 9th is when the pretrial submissions are due.

In short, the planned private mediation will fulfill the parties' obligation to attempt settlement and will do so in a timeframe more likely to succeed.

If the Court nonetheless wishes to conduct a settlement conference, we request that it be continued until June 15, 16, 17th or later. Plaintiff Kenneth Arrick has a long scheduled vacation with his family until June 13th.

May 12, 2006
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Thank you for your consideration.

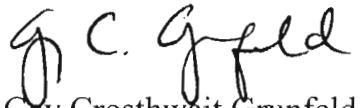
MORRISON & FOERSTER

By: James Boddy

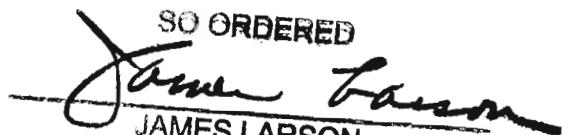
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cc: The Honorable Thelton E. Henderson

Respectfully submitted,
ROSEN, BIEN & ASARO, LLP


By: Gay Crosthwait Grunfeld

The settlement conference is off calendar and the parties are directed to contact the chambers after the mediation.

SO ORDERED

JAMES LARSON
U.S. CHIEF MAGISTRATE JUDGE